

Message

From: Dorka, Lilian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]
Sent: 6/23/2016 11:06:28 PM
To: Marianne Engelman Lado [mengelmanlado@earthjustice.org]
CC: Matthew Baca [mbaca@earthjustice.org]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Martinez, Brittany [Martinez.Brittany@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]; Bachle, Laura [Bachle.Laura@epa.gov]; Lapierre, Kenneth [lapierre.kenneth@epa.gov]; Tommelleo, Nancy [Tommelleo.Nancy@epa.gov]; HALIM-CHESTNUT, NAIMA [Halim-Chestnut.Naima@epa.gov]
Subject: RE: Uniontown, Alabama, EPA File No. 12R-13-R4

Hi Marianne, thanks for your note. With respect to the status of EPA File No. 12R-13-R4, involving the Alabama Department of Environmental Management and the Arrowhead Landfill, I can share with you that we are currently reviewing and discussing the information most recently provided by complainants, as well as information we have recently received from the recipient in response to an OCR request. We are reviewing this information to determine next steps, including possible engagement with members of the community. I hope this is helpful. Thanks, Lilian

Lilian S. Dorka
 Acting Director
 Office of Civil Rights
 U.S. Environmental Protection Agency

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Tuesday, June 21, 2016 2:30 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Matthew Baca <mbaca@earthjustice.org>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>
Subject: Uniontown, Alabama, EPA File No. 12R-13-R4

Lilian,

This email is intended as a request for information about the status of the investigation into the allegations regarding the Alabama Department of Environmental Management's decisions to modify and reissue permits for the Arrowhead Landfill without adequate protections for the health and environment of the Uniontown community, which had and continues to have a disparate impact on the basis of race. EPA File No. 12R-13-R4. As you know, members of the community were and are available to provide additional information and, given the outcome in the CARE case, are now deeply concerned that EPA might not in fact investigate the allegations but instead evaluate whether ADEM has the paperwork to give the appearance that the agency is complying with the law. Having what has been called "the fundamentals," however, is a minimum, not a guarantee of compliance, and is not a defense to a claim that a particular action, policy or practice is discriminatory. Any such programmatic policies, particularly in this case, would be paper thin.

As you know, Arrowhead Landfill is adjacent to the New Hope Church Cemetery, a historically black cemetery, and ADEM should have taken into account potential impacts of the permit on this sacred space. Over the last year, the worst fears of family members have become reality, as Green Group Holdings, the owners of Arrowhead Landfill, have made the unilateral decision to bring heavy equipment onto the property and cut a swath through the Cemetery. We previously sent EPA material about this development and complainants stand ready to provide OCR with more information about this set of impacts.

In addition to seeking information about the status of the investigation and hoping to provide any additional testimony or documentation to support their claims, should the record thus far require additional support, complainants seek an opportunity to discuss remedy or the potential components of any compliance agreement.

Please let me know when you or others at OCR might have time to touch base.

Sincerely,

Marianne

Marianne Engelman Lado
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From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Thursday, March 24, 2016 8:38 AM
To: Marianne Engelman Lado
Cc: Matthew Baca; Covington, Jeryl; Martinez, Brittany; Golightly-Howell, Velveta; Temple, Kurt; Rhodes, Julia; Biffi, Betsy
Subject: Re: Uniontown, Alabama, EPA File No. 12R-13-R4

Hi Marianne, happy to touch base next week. Thanks! Lilian

Sent from my iPhone

On Mar 24, 2016, at 12:18 AM, Marianne Engelman Lado <mengelmanlado@earthjustice.org> wrote:

Lilian,

Thanks for the email.

Is there anything more you can tell the complainants? As much as I appreciate the response, it really doesn't provide information – about your timeline, about whether you're proceeding with any negotiations with the recipient, about whether OCR is continuing to investigate, about whether it would be useful to send additional information, etc. We appreciate that there may be some aspects of the investigation and negotiations that might be confidential, but the complainants hope that OCR will follow up on the language in its policy on the Role of Complainants and Recipients in Investigations, as

well as the Case Resolution Manual and consult with complainants before – not after – engaging in discussions with the recipient about resolution, and we stand ready to be helpful on any data gaps or issues that arise in the investigation.

Perhaps we can touch base some time in the coming week.

Thanks,

Marianne

From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Tuesday, March 22, 2016 4:02 PM
To: Marianne Engelman Lado
Cc: Matthew Baca; Covington, Jeryl; Martinez, Brittany; Golightly-Howell, Velveta; Temple, Kurt; Rhodes, Julia; Biffi, Betsy
Subject: RE: Uniontown, Alabama, EPA File No. 12R-13-R4

Hi Marianne – hope you are doing well. Sorry for the delay in getting back to you on this. Wanted to let you know that we are currently reviewing all of the information you have presented and will move forward, consistent with our case process, toward resolution of this case. We will let you know if we have any questions regarding any of the information you have submitted. If you have any questions, please feel free to contact me at 202-564-9649. Thanks very much. Lilian

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Monday, March 14, 2016 11:30 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Matthew Baca <mbaca@earthjustice.org>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Biffi, Betsy <Biffi.Betsy@epa.gov>
Subject: RE: Uniontown, Alabama, EPA File No. 12R-13-R4

Thanks. Welcome back.

I look forward to hearing back from you.

Best,

Marianne

From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Monday, March 14, 2016 11:16 AM
To: Marianne Engelman Lado
Cc: Matthew Baca; Covington, Jeryl; Martinez, Brittany; Golightly-Howell, Velveta; Temple, Kurt; Rhodes, Julia; Biffi, Betsy
Subject: RE: Uniontown, Alabama, EPA File No. 12R-13-R4

Hi Marianne, I am just getting back from a week away and need to catch up on everything. This is one of the cases that I will be meeting about. Once I have additional information, I will let you know. Thanks! Lilian

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Monday, March 14, 2016 11:10 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Matthew Baca <mbaca@earthjustice.org>
Subject: FW: Uniontown, Alabama, EPA File No. 12R-13-R4

Dear Lilian,

Any information that you can provide would be appreciated.

Thanks,

Marianne

From: Covington, Jeryl [<mailto:Covington.Jeryl@epa.gov>]
Sent: Monday, March 14, 2016 10:58 AM
To: Marianne Engelman Lado
Cc: Matthew Baca
Subject: RE: Uniontown, Alabama, EPA File No. 12R-13-R4

I will forward your email to the Director and request that she address the closure of the Arrowhead records.

Please note that since November 2015, I am no longer serving in the capacity of the Acting Assistance Director (AD) for the Compliance and Complaints Program (CCP) . Ms. Lilian Dorka is dually serving as the Deputy Director for OCR and the Acting AD for CCP.

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Monday, March 14, 2016 10:52 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Matthew Baca <mbaca@earthjustice.org>
Subject: Uniontown, Alabama, EPA File No. 12R-13-R4

Dear Jeryl,

As you know, Complainants recently submitted two sets of documents – on March 5th and March 8th -- to supplement the record in the Uniontown, Alabama case, EPA File No. 12R-13-R4. We are in receipt of a letter from Velveta Golightly-Howell, dated November 10, 2015, notifying Complainants that OCR intended to “close the investigation period” on March 8th, 2016, and are hoping that you might provide additional information about what Complainants should expect at this point and the timeline for next steps.

As we have previously expressed, Complainants seek a timely and thorough investigation and are hoping that OCR is not arbitrarily closing the doors to information to meet an internally set deadline at the expense of a thorough investigation. We lack information, however, about activities that OCR may be taking in furtherance of the investigation and compliance by the Alabama Department of Environmental Management (ADEM) and are unclear about the significance of closing the record. We ask that, consistent with principles of environmental justice, OCR reaches out to Complainants should data gaps remain and, also, that OCR will, as OCR’s Interim Case Resolution Manual provides, consider the input of Complainants on potential terms of any voluntary compliance or resolution agreement between OCR and ADEM. (See CRM, Section 3.13).

Please feel free to reach me by email or by phone.

Many thanks,

Marianne

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